

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------------|---|--------------------------------------|
| -----X | : | |
| PHILLIPS-VAN HEUSEN CORPORATION, | : | |
| | : | |
| Plaintiff, | : | 07 Civ. 8169 (AKH) |
| | : | |
| - against - | : | AFFIDAVIT OF |
| | : | <u>TIMOTHY E. DI DOMENICO</u> |
| INTERNATIONAL HOME TEXTILES, INC., | : | |
| and SALO GROSFELD, | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

TIMOTHY E. DI DOMENICO, being sworn, on oath, deposes and states as follows:

1. I am a member of the Bar of the State of New York, and Of Counsel of the law firm Greenberg Traurig, LLP, counsel for Defendants Salo Grosfeld and International Home Textiles, Inc. ("IHT") (collectively, the "Defendants") in the above-captioned matter. I submit this sworn affidavit and the annexed exhibits in support of Defendant Salo Grosfeld's Motion to Dismiss the Complaint of plaintiff Phillips-Van Heusen Corporation ("PVH" or "Plaintiff").
2. Annexed hereto as Exhibit A is a true and correct copy of Plaintiff's Complaint.
3. Annexed hereto as Exhibit B is a true and correct copy of the License Agreement between PVH and IHT, dated as of January 1, 2006.
4. Annexed hereto as Exhibits C through E are true and correct copies of the following decisions of this Court:

Turtle & Hughes, Inc. v. Browne, No. 95 Civ. 9573, 1996 WL 384895 (S.D.N.Y. July 9, 1996) (Exh. C);

Mingoia v. Santa Fe Drywall Corp., No. 04 Civ. 1712, 2005 WL 1384013 (S.D.N.Y. June 9, 2005) (Exh. D); and

Mason Tenders Distr. Council Welfare Fund v. Masucci, No. 95
Civ. 9139, 1997 WL 334962 (S.D.N.Y. June 17, 1997) (Exh. E).



TIMOTHY E. DI DOMENICO

SUBSCRIBED AND SWORN
TO BEFORE ME THIS 26TH
DAY OF NOVEMBER, 2007



NOTARY PUBLIC

DONALD N. COHEN
Notary Public, State of New York
No 31-4811552
Qualified in New York County
Commission Expires ~~Oct 31, 2009~~
12/9/10